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Attorneys for Debtors/Defendants, Joe and Teresa Giudice

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

IN RE:

TERESA and GIUSEPPE GIUDICE,

Debtors,

JOSEPH MASTROPOLE,

Plaintiff,

-vs-

TERESA and GIUSEPPE GIUDICE,

Defendants.

Chapter 7

Case Number: 09-39032

Hon. MORRIS STERN

Adversary Proc. No.: 10-11116

**ANSWER TO COMPLAINT**

Debtors/defendants, Teresa Giudice and Giuseppe Giudice, by way of answer to the complaint of plaintiff, Joseph Mastropole, says as follows:

**JURISDICTION AND VENUE**

1. Debtors/defendants admit the allegations contained in paragraph one (1) of plaintiff's complaint.

2. Debtors/defendants admit the allegations contained in paragraph two (2) of plaintiff's complaint.

3. Debtors/defendants admit the allegations contained in paragraph three (3) of plaintiff's complaint.

**NATURE OF THE ACTION**

4. Debtors/defendants admit the allegations contained in paragraph four (4) of plaintiff's complaint.

**PARTIES**

5. Debtors/defendants admit the allegations contained in paragraph five (5) of plaintiff's complaint.

6. Debtors/defendants deny the allegations contained in paragraph six of plaintiff's complaint.

**FACTS COMMON TO ALL CAUSES OF ACTION**

7. Debtors/defendants neither admit nor deny the allegations contained in paragraph seven (7) of plaintiff's complaint, and leave plaintiff to his proofs.

8. Debtors/defendants admit the allegations contained in paragraph eight (8) of plaintiff's complaint.

9. Debtors/defendants admit the allegations contained in paragraph nine (9) of plaintiff's complaint.

10. Debtors/defendants admit the allegations contained in paragraph ten (10) of plaintiff's complaint.

11. Debtors/defendants admit the allegations contained in paragraph eleven (11) of plaintiff's complaint.

12. Debtors/defendants deny the allegations contained in paragraph twelve (12) of plaintiff's complaint.

13. Debtors/defendants neither admit nor deny the allegations contained in paragraph thirteen (13) of plaintiff's complaint, and leave plaintiff to his proofs.

14. Debtors/defendants deny the allegations contained in paragraph fourteen (14) of plaintiff's complaint.

15. Debtors/defendants neither admit nor deny the allegations contained in paragraph fifteen (15), and leaves plaintiff to his proofs.

16. Debtors/defendants admit the allegations contained in paragraph sixteen (16) of plaintiff's complaint.

17. Debtors/defendants admit the allegations contained in paragraph seventeen (17) of plaintiff's complaint assuming that the blank exhibit line left in said allegation is actually Exhibit D attached thereto.

18. Debtors/defendants neither admit nor deny the allegations contained in paragraph eighteen (18) of plaintiff's complaint, and leave plaintiff to his proofs.

19. Debtors/defendants neither admit nor deny the allegations contained in paragraph nineteen (19) of plaintiff's complaint, and leave plaintiff to his proofs.

20. Debtors/defendants neither admit nor deny the allegations in paragraph twenty (20) of plaintiff's complaint, and leave plaintiff to his proofs.

21. Debtors/defendants deny the allegations contained paragraph twenty-one (21) of plaintiff's complaint.

22. Debtors/defendants neither admit nor deny the allegations contained paragraph twenty-two (22) of plaintiff's complaint, and leave plaintiff to his proofs.

23. Debtors/defendants neither admit nor deny the allegations contained in paragraph twenty-three (23) of plaintiff's complaint, and leave plaintiff to his proofs.

24. Debtors/defendants neither admit nor deny the allegations contained in paragraph twenty-four (24) of plaintiff's complaint, and leaves plaintiff to his proofs.

25. Debtors/defendants neither admit nor deny the allegations contained in paragraph twenty-five (25) of plaintiff's complaint, and leave plaintiff to his proofs.

26. Debtors/defendants neither admit nor deny the allegations contained in paragraph twenty-six (26) of plaintiff's complaint, and leave plaintiff to his proofs.

27. Debtors/defendants neither admit nor deny the allegations contained in paragraph twenty-seven (27) of plaintiff's complaint, and leave plaintiff to his proofs.

28. Debtors/defendants deny the allegations contained in paragraph twenty-eight (28) of plaintiff's complaint.

29. Debtors/defendants deny the allegations contained in paragraph twenty-nine (29) of plaintiff's complaint.

30. Debtors/defendants deny the allegations contained in paragraph thirty (30) of plaintiff's complaint to the extent the numerous allegations in said paragraph state facts supporting a claim against defendants.

31. Debtors/defendants neither admit nor deny the allegations contained in paragraph thirty-one (31) of plaintiff's complaint, and leave plaintiff to his proofs.

32. Debtors/defendants neither admit nor deny the allegations contained in paragraph thirty-two (32) of plaintiff's complaint, and leave plaintiff to his proofs.

33. Debtors/defendants neither admit nor deny the allegations contained in paragraph thirty-three (33) of plaintiff's complaint, and leave plaintiff to his proofs.

34. Debtors/defendants neither admit nor deny the allegations contained in paragraph thirty-four (34) of plaintiff's complaint, and leave plaintiff to his proofs.

**AS TO FIRST COUNT**

35. Debtors/defendants deny the allegations contained in paragraph thirty-five (35) of the First Count plaintiff's complaint.

36. Debtors/defendants deny the allegations contained in paragraph thirty-six (36) of the First Count plaintiff's complaint.

37. Debtors/defendants deny the allegations contained in paragraph thirty-seven (37) of the First Count plaintiff's complaint.

38. Debtors/defendants deny the allegations contained in paragraph thirty-eight (38) of the First Count plaintiff's complaint.

39. Debtors/defendants deny the allegations contained in paragraph thirty-nine (39) of the First Count plaintiff's complaint.

40. Debtors/defendants deny the allegations contained in paragraph forty (40) of the First Count plaintiff's complaint.

41. Debtors/defendants deny the allegations contained in paragraph forty-one (41) of First Count of plaintiff's complaint.

42. Debtors/defendants deny the allegations contained in paragraph forty-two (42) of First Count of plaintiff's complaint.

**AS TO SECOND COUNT**

43. Debtors/defendants repeat the answers to the previous paragraphs of plaintiff's complaint as if same were set forth herein at length.

44. Debtors/defendants deny the allegations contained in paragraph forty-four (44) of the Second Count of plaintiff's complaint.

45. Debtors/defendants deny the allegations contained in paragraph forty-five (45) of the Second Count of plaintiff's complaint.

46. Debtors/defendants neither admit nor deny the allegations contained in paragraph forty-six (46) of the Second Count of plaintiff's complaint.

47. Debtors/defendants deny the allegations contained in paragraph forty-seven (47) of the Second Count of plaintiff's complaint.

48. Debtors/defendants deny the allegations contained in paragraph forty-eight (48) of the Second Count of plaintiff's complaint.

**AS TO THIRD COUNT**

49. Debtors/defendants repeat the answers to the previous paragraphs of plaintiff's complaint as if same were set forth herein at length.

50. Debtors/defendants deny the allegations contained in paragraph fifty (50) of the Third Count of plaintiff's complaint.

**AS TO FOURTH COUNT**

51. Debtors/defendants repeat the answers to the previous paragraphs

of plaintiff's complaint as if same were set forth herein at length.

52. Debtors/defendants deny the allegations contained in paragraph fifty-two (52) of the Fourth Count of plaintiff's complaint.

### **AFFIRMATIVE DEFENSES**

1. Plaintiff lacks standing in this matter and defendants reserve the right to move for dismissal on said ground.

2. Plaintiff's complaint fails to state a cause of action upon which relief can be granted and defendants reserve the right to move for dismissal of plaintiffs' action on this ground.

3. The Court lacks jurisdiction over the subject matter of this action.

4. Plaintiff is barred from recovery by the Doctrine of Unjust Enrichment.

5. Plaintiff is barred from recovery by the Doctrine of Accord and Satisfaction.

6. Plaintiff has failed to mitigate damages.

7. Plaintiff has not been damaged in any way by the actions of defendant.

8. Plaintiff's claims are speculative and premature, and have not ripened into any actionable cause.

9. Defendants did not commit any wrongful or unlawful acts.

10. Defendants did not commit fraud.

11. Plaintiff is barred from recovery due to the applicable statute of



limitations.

12. Plaintiff is barred from recovery by the Doctrines of Waiver.

13. Plaintiff is barred from recovery by the Doctrines of Judicial and Equitable Estoppel.

14. Plaintiff is barred from recovery by the Doctrine of Laches.

15. Plaintiff is barred from recovery by the Doctrines of License, Payment, Release, Waiver and Estoppel.

16. There is lack of jurisdiction over the persons of these defendants by reason of insufficiency of process and insufficiency of service of process.

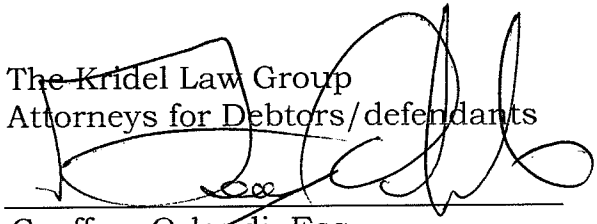
17. Defendants deny they breached any duty of any kind they may have owed to plaintiff.

Defendants reserve the right to amend this answer to insert any additional, separate, affirmative defenses upon the completion of investigation and discovery now being conducted.

**WHEREFORE**, debtors/defendants Teresa Giudice and Giuseppe Giudice request that this Court enter an order dismissing plaintiffs' complaint, for costs of suit, and for such further relief as the Court deems equitable and just.

Dated: March 2, 2010

The Kridel Law Group  
Attorneys for Debtors/defendants

By:  Geoffrey Orlandi, Esq.